## THE COURTS.

The Tweed Appeals from the Supreme Court, General Term, Decisions.

Argument on the Application for a Stay of Proceedings.

THE SUIT AGAINST PETER B. SWEENY.

Denial of Motion for a Bill of Particulars

The argument was heard vesterday by Judge Law rence in Supreme Court, Chambers, on the motion for a stay of proceedings pending an appeal from the re cent decisions of the Supreme Court, General Term, in the Tweed \$6,000,000 suit. As is well known, there were two decisions—one reversing the order of Judge Donohue granting a bill of particulars, and the other affirming the order of Judge Barrett refusing to vacate the order of arrest against Tweed or to reduce his bail from \$3,000,000, as fixed directly after instituting the present suit. From both of these decisions Mr. Tweed appeals, and the grounds of pressing the motion are the adjournment of the Court of Appeals till the 9th of next month, and that, inasmuch as the case is set down for trial on the first Monday of next month, if the present application is not granted the object of the al will be frustrated. The object sought the stay is more time for putting the answer, which the Supreme Court, General Term, limited to seven days. On the other hand, it is contended that as the time for answering time cannot be enlarged by a court of subordinate jurisdiction. But the points will be fully seen in the papers and report of the argument as given below. Meantim the court room was crowded and the argument was listened to with close attention. On behalf of Mr. Tweed there appeared Messrs. Dudley Field, Robert E. Doyo and William Eddleston, while the case for the people was represented solely by Mr. Wheeler H. Peckham. Among the spectators, though unobtrusively taking a back seat, was William M. Tweed, Jr. GROUNDS OF THE APPLICATION.

These were preliminarily set forth in the following affidavit of Mr. Devo, with the reading of which Robers E. Deyo, being sworn, saith:-

E. Deyo, being sworn, saith:—

First—I am one of the attorneys for the defendant Tweed.

Second—On the 8th of October, 1875, an order was entered hereon by the direction of the General Term affirming a previous order denying a motion to discharge the order of arrest or reduce the bail.

Third—On the 9th of October, 1875, another order was entered hereon affirming an order previously entered at Special Term, which previous order, among other things, directed the service of a bill of particulars, and directed that the complaint be made more definite and certains some respects, and desired a motion to make it more definite and certain in other respects.

superior of the superior of th definite in various ways, and that a bill of particulars must be furnished; the General Term says not. It was no new thing to have the General Term reversed, and the defendant proposed to try whether they or Judge Donohue were right. But the whole purpose of the appeal would be fustrated without a stay, for what use would it be to defendant to have Judge Donohue sustained if he was tried and judgment went against him meantime? There was no reason for undue heate. The defendant was held under lock and key and under \$3,000,000 bail. It was a very hard matter for counsel to have to urge what was so plainly just. Defendant o ly asked for the same treatment as other people. The proper way to have the case tried was to have the defence advised of the plaintiff's claim by a bill of particulars.

was to have the defence advised of the plaintif's claim by a bill of particulars. Judge Lawrence said that the difficulty was the Gen-eral Term had virtually sied his hands. He saw no reason why he should undertake to modify their order. Mr. Field dealed that the General Term could enjoin Judge Lawrence, or that they intended it. The Cham-bers was the proper place to go. The General Term confirmed some things, denied others and gave de-fendant seventy days to answer instead of five, and de-fendant wants a further stay. The matter was simple, natural and just.

fendant wants a further stay. The matter was sample fendant wants a further stay. The matter was sample natural and just.

Judge Lawrence, again interrupting, said that the General Term had made, a specific order in this case as to the time for answering the complaint.

Mr. Pleid contended that there was nothing so extraordinary in that. The matter was so plain as to the discretion of the Court that he hardly felt like wasting words on the matter. It was, as the French say, educated for the court of the cou

MR. PECKHAM'S BERPONSE.

In reply Mr. Peckham stated that the papers had been given to him five minutes before he came into court. His examination into the case had, therefore, been brief, and his argument would be correspondingly brief. He instanted that it was not a question of the maked power of the Judge, but what was the spirit of the General Ferm order, and their order was that the defendant have a certain time and for a certain pursue. puse only, viz. to answer, so that the merits of the case se speedily tried. Moreover, if there is a good defence there can be an appeal from the Circuit Court, which will answer defendant as well. He can serve his which will answer defendant as well. He can serve his answer, and when the case comes for trial ne can apply for postponement for a day, until the cano is heard on appeal; and if decision is against him the trial can go on November 10, otherwise it will go over to December 18. There has been a series of dilatory motions since the suit commenced. The defendant had the benefit of two trials on criminal indictments for the same cause of action, and no man could say he wanted a bill of particulars for honest information, as he knew all the teatmony against him.

ticulars for honest information, as he knew all the testimony against him.

All Field said he had been waiting for an argument on the other side, but there was none. The reason was not because the gentleman had only five minutes in which to examine the papers, but because the gentleman had only five minutes in which to examine the papers, but because the gentleman had none to make. The counsel has not told the Court how he took out an attachment unsuccessfully to grasp all this man is worth in the world, or denied that he has been under lock and key to exact the last pound of desh aye, and the last drop of blood. A stay was the defendant's right, as a citizen and suitor, to go to the Court of Appeals, which so far had proved itself as solid as steel against popular elamor. Who arraigns the courte! Not counsel, but the Chief Justice of the General Term, writing to the papers to arraign the Courtful Appeals. He for one would not follow that example. He did not say that the General Term acted dishonestly in granting the bill of particulars; but if this brief stay was not granted defendant would lose his opportunity. If application was made to the Circuit the answer would be, your proper place was at Chambers, and there could be no reply.

At the close of the argument the counsel passed up their papers for examination of the Court pending its facision.

THE SWEENY SUIT.

In the suit brought against Peter B. Sweeny to secover \$6,000,000, in the alleged fraudulent taking of which sum from the city and county treasury in conction with the building of the new County Court House he is charged with having been in complicity with Tweed and the other members of the Court House Heation was some time since made, the same as in the Breed suit, for a bill of particulars. This application was before Judge Lawrence holding Suprema Sourt, Chambers. An order was entered yesterday tenying this application. The following is the order, the legal verbiage in which it is enshrouded, however, oeing suggestive of the old black letter law times :-

Epon reading and fling the complaint barein the affi- cellar door, at No. 136 Charry street, quietly smoking a

davit of John McKeon, the two notices of the defendant Sweeny, dated September 14, and the two notices of the plaintiff, dated September 14 and 15, respectively, and the order of September 16, 1875, requiring the plaintiffs to show cause thereon why the complaint should not be set aside because the cause of action are not separately stated or plainty numbered, and, why so much of the Complaint as does not relate to the first cause of action and all the part of the complaint contained in the schedule and following the words and figures, "May of \$2,012," J. A. Smith," "Garpets furnished new Court House, Jane 22, 1800, \$24, 92 24, J. A. Smith, ingersold A. Co.," should not be stricken out as irrelevant or redundant, and why either so much of the complaint as sets forth the alleged neglect to audit the claim against the city, and especially that portion of the complaint beginning with the words. "That the said pretended claim or liabilities were not," in the middle of folio 9, and down to and including the words "signed the same," in the thirteenth folio, should not be stricken out as irrelevant and redundant or otherwise; why so much of the complaint as sets forth any fraud, conspiracy or combination on the part of the said Sweeny or said Sweeny and Watson should not be stricken out as irrelevant and redundant, and why the plaintiff should not elect upon which of the several causes of action, set forth in the first count of the complaint should not elect upon which of the several causes of action, at the first count of the complaint prior to the words "right or interest in the premises," at folio 20, they intended to rely, and why they should not serve an amended complaint, uniting so much of the present complaint as relates to the causes of action, as folio 24, to wit:—"Without any examination of said claims and with knowledge that the same vere wholly false and ficultious, fraudulent and pretended claims, and that the same represented no just legal or valid claim whatever against the said ax warrants referred to davit of John McReon, the two notices of the defendant

torney.

After hearing Mr. McKeon, for the defendant Sweeny, for the motion, and Mr. Peckham for the plaintiffs in opposition thereto, ordered, that the said motions be and the same hereby are denied, with costs.

A. R. LAWRENCE, Justice Supreme Court.

It is understood that Mr. McKeon, the counsel for Mr. Sweeny, is watching the course of events in the matter of the appeal in the Tweed case, as to the bill of particulars, with a view to a determination as to whether it is best to appeal from the above order.

#### DECISIONS. SUPREME COURT—CHAMBERS.

Wheeler vs. Remington.—In this case I desire to have the motion papers before determining upon the appointment of the Receiver.

Antimordt vs. Goldstein.—Defendants allowed to review this motion before the Justice who heard the motion to vacate the arrest.

Wilson vs. Dayton.—Motion denied, without costs.

Loughran vs. Shattick.—Motion granted, without costs.

On account of there being no Court of Oyer and Terminer yesterday the case of Michael Finnell, charged with shooting and killing the Irish Giant, O'Baldwin, was, of necessity, postponed till to-day. The prisoner's

counsel, Mr. William F. Howe, has sued out writs of

was, of necessity, postponed till to-day. The prisoner's counsel, Mr. William F. Howe, has sued out write of certiorari and habeas corpus and will endeavor to secure Finnell's discharge on bail.

In the matter of Charles A. Whey, who was expelled from the St. Jacobus Verien on a charge of receiving benefits contrary to the bylaws of the Association, a decision was given yesterday by Judge Van Vorst, holding Supreme Court, Special Torm. The case was taken to this Court on a demurrer that all the officers named should have been given as co-defendants in the suit. Judge Van Vorst overruled the demurrer.

The trial of Robert Des Anges, accused of compileity with smugglers, was called up yesterday in the United States Gircuit Coort, and set down for Tossday next.

The trial of Charles L. Lawrence, charged with forgery of importers' invoices, has been set down for Wednesday next.

The will of John H. Contoit, a man well known to the Knickerbockers as the proprietor of Contoit's Garden, on Broadway, was admitted to probate yesterday. His entire estate is left to his only son and heir, Charles H. Contoit, whom he names with John K. Hackett asshis executors. The will is dated January 14, 1868, and the estate is valued at \$1,000,000.

In the Cases of the United States against the firm of H. B. Claffin & Co., to recover penalties for violations of the revenue laws in purenasing and selling smuggled allks, Mr. Arnoux, one of the counsel for the firm, and on account of its importance, the counsel desired to have the motion argued before two judges. Judge Benedict replied that two judges could not sit in this court on that case. He advised counsel to set the argument down for a certain day, and to have their affidavits ready. The counsel agreed upon Wednesday next as the day.

#### COURT OF GENERAL SESSIONS. Before Judge Sutherland.

AN INSPECTOR OF WEIGHTS AND MEASURES. John H. Robinson, of No. 166 Third avenue, a scaler and inspector of weights and measures, was placed on trial yesterday on a charge of extortion. The complainant, Warren H. Rose, keeps a paint store at No. 611 Hudson street. On the 4th of January last Charles Travers, the clerk of the accused, entered the store, and, after examining complainants weights and measures, presented a bill of \$4 50 for his fees. His measures, presented a bill of \$4 50 for his fees. His legal fees amounted to only \$1 04, and this sum was tendered him by Mr. Rose. It was scornfully refused, with the remark, "I thought you would kick against this bill, and for that reason I left one still measure unmarked. I'll make that measure cost you \$50 if I have to spend \$50 to do it." The complainant said he would report the circumstances to the proper authorities, but Travers laughed and said. "You may go and report if you like, and see whether you'll get any satisfaction. I have influence enough to protest me." The counsel for Robinson asked that his client be discharged, as he was not present when the exornitant fee was defined and had not authorized his sierk to demand it. The motion was denied, the Court holding that the accused was responsible for the acts of his deputy. Counsel then attempted to make light of the case, saying that the atmost penalty which could be inflicted upon the accused, if found guilty, would be a fine of three times the amount attempted to be exterted. Judge Sutherland took a different view of the matter. He said:—"I don't know of a more important question that could come before this Court than that of whether this man habitually takes higher fees than the law allows him." At this pooint is the trial Assistant District Attorney Bail called Charles Fravers to the stand. On examination it was found that the latter had quietly slipped out of the room during the argument of counsel, and was not to be found. It was impossible to continue without his testimony, and the jury was accordingly dismissed until the morning, when the absconding witness will be brought into court on a subposna and the case will be concluded.

A DARING ROBBERT. legal fees amounted to only \$1 04, and this sum was A DARING ROBBERT.

James Haley, a lad living at No. 257 Water street, was tried for grand larceny. William Joseph charged that on the 8th of August, while he was seated on his

pipe, his watch was suddenly dragged from his pocket by some person who had approached him unseen. Looking up he saw the accused a few feet from him, running away. There were two men standing near him, but they seemed to be doing nothing suspicious. He immediately gave chase to the lad, and with the help of an officer caught and took him to the station house. The accused stated that as he was passing the doorway in which the two men referred to above were standing one of them said, "What are you looking at?" "Not much," he replied, when the man kitcked at him and he ran away. He supposed that he was pursued by this person until he was caught and found himself in the custody of the complainant, who charged him with the theft. The jury, after half an hour's discussion, returned a verdict of not guilty, and the accused was discharged. PLEADED GUILTY. rob John H. Sutton, of No. 1 Thompson street. Carl Schultz pleaded guilty to breaking into the liquor

Thomas Cox pleaded guilty to petit larceny from the person, and was sent to State Prison for one year. On the night of October 9 he assaulted and attempted to

store of Anton Meyer, at No. 151 Beaver street, and

store of Anton Meyer, at No. 151 Beaver street, and stealing therefrom \$2.40 in money and clothing to the value of \$2.0. He was sentenced to State Prison for two and a half years.

Annie Brown, a comely young negrogist, was charged with having cut and stabbod with a knife Ella Smith, another girl of color, on the 8th of October. Five years in State Prison.

Patrick Hughes pleaded guilty to burglary in having, on September 4, stolen from the premises of Margaret Shea, No. 2,385 Fourth avenue, a velvet clock valued at \$100, and a silver watch worth \$9. He was sent to the State Prison for two and a half years.

#### TOMBS POLICE COURT. Before Judge Duffy.

TRACED TO SAN FRANCISCO. Some time ago Simon Abraham, a tailor, receive from Seidenberg, Schwab & Co., of No. 114 White street, a quantity of satinet to make up into coats. The property was valued at \$184 40. Abraham very soon after disappeared. He was traced to San Francisco and arrested there. Yesterday he arrived in New York in custody of a detective and in the afternoon was taken before Judge Duffy at the above named court and held in default of \$1,000 to answer a charge

JUDGE DUFFY ON THE EXCISE ARRESTS. On Monday last Henry Cummiskey, of No. 364 en a charge of selling liquor without a license. Cummiskey produced a receipt from the Board of Excise

miskey produced a receipt from the Board of Excise for money paid on account of a license applied for, and the Judge promptly discharged him. Yesterday he was again brought before His Honor on the same charge and produced his receipt as before. "You were here the other day," said His Honor. "Yes, sir." "And I discharged you, did I not?" "Yes, Your Honor, after showing you that receipt." "And I discharge you again," returned the Justice. "Now, officer," said the magistrate, addressing the polleman who made the arrest, "I wish you would tell Captain McCaifrey, of your precinct, to make no more arrests of persons whom I have before discharged under circumstances similar to those in this case; and tell him that if he does make such arrests I will consider it a contempt of Court. I regard my ruling as law until it is otherwise declared by higher authority."

The officer promised to inform his captain.

ESSEX MARKET POLICE COURT. Before Judge Kasmire. BURGLAR AND RECEIVER.

On the night of the 11th of October, about eight o'clock, the apartments of George Strassner, Jr., on the second floor of No. 53 Lewis street, were broken into and three coats, three shawls, a mantilla and other clothing were carried away. A child named Nicholas clothing were carried away. A child named Nicholas White, ten years of age, who resides at No. 53 Lewis street, saw a man coming out of the hallway about the time mentioned, and hand a bundle to another man named Frank Burns, of Monroe street. Burns was arrested on Tuesday by Officer Dixon, of the Thirteenth precinct, and the major portion of the stolen property was found on the same day by Officer O'Connor, of the Eleventh precinct, in a wood cellar at No. 135 Cannon street, of which Mrs. Frederica Bliss had the key. Both Burns and Mrs. Bliss were arraigned before Judge Kasmire yesterday and were held in \$1,000 bail each to answer, Burns on a charge of burglary and Mrs. Frederica Bliss of receiving stolen goods.

Albert Hoffman, Paul Berlick and Solomon Mannheim all natives of Poland, came down from Albany on Tues day night and arrived in this city yesterday morning Solomon Mannheim, learning that Hoffman and Ber lick were about taking a trip to Europe, represented lick were about taking a trip to Europe, represented to them that he was well acquainted with the agent of the Bremen line, and he could procure them these at a greatly reduced rate. Hoffman believed Mannheim's statements and gave him \$50 to buy the tickets. Yesterday atternoon, about two o'clock, the tickets not being produced, Hoffman denjanded the tickets or his money. Mannheim, it is alleged by Hoffman, told him he would not give him either, but was willing to offer him \$2.50 to pay his way back to Albany. Mannheim, on Hoffman's complaint, was arrested by Officer Martin, of the Tenth precinct, and was arrained before Judge Kasmire at the above court. He was committed in \$2.000 ball to answer, and Hoffman and Berlick were committed to the House of Detention to insure their presence as witnesses against the priso not.

STABRING AFFBAY. Between twelve and one o'clock yesterday morning an altercation took place in a lager beer saloon at No. 311 Bowery, between James Johnson, of No. 69 Monroe street, and James Watson, of No. 165 Essex street, in which Johnson received a severe wound in the groin from a knife in the hands of James Watson, who was arrested by an off

FIFTY-SEVENTH STREET COURT. Before Judge Murray.

arraigned before Judge Kasar him in \$1,000 bail to answer.

fore Judge Kasmire yesterday, who held

A SNEAR THIEF IN THE GUISE OF A GLAZIER. An itinerant glazier, named Allan Goldstein, was em ployed to put in a pane of glass for Mrs. Ann Considing of Sixty-fifth street and Eighth avenue, and after he left the premises her husband's watch was missing. Gold-stein was arrested and the watch found upon bim. He said it was the first time he ever did anything of the kind, which the Court did not believe, and he was held

STABBED WITH A SHOEMAKER'S KNIFE. Maurice Fitzgibbons, of No. 325 avenue A, charged Edward Flynn, of No. 412 East Twentieth street, with stabbing him in the left side with a shoemaker's knife and causing a slight wound. Flynn denied the charge, and said the stabbing had been done by somebody elsa. The evidence was, however, rather against him, and he was committed for trial. The parties had been drinking together and quarrelled over their cups. A DISCARDED HUSBAND ATTEMPTS SUICIDE.

Christopher Ryall, of No. 365 East Forty: third street was arraigned on a charge of being income and attempt ing to drown himself. Officer Daily, of the Twenty second precinct, found him standing on the string-piece of a dock on the North River and caught hold of him in time to save him from a watery grave. He acknowledged that his intention had been to put an end to his life, which had become a burden to him since his wife had discarded him, and said he was nothing but a nusance. The prisoner who is an old white-haired man, was committed to the care of the Commissioners of Charities and Correction. ALLEGED THEFT OF JEWELRY.

Annie E. Smith, of No. 262 Sixth avenue, caused the arrest of Catherine Greene on suspicion of having stolen \$930 worth of jewelry from her. Her statement was that the accused, who is a domestic, called to see her and began to tell her of the beautiful diamonds some of the families had with whom she had lived. Mrs. Smith, in her vanity, brought forth from a bureau drawer a set of diamonds, and asked her if they were not as fine as any she had ever seen. After the jewels had been thoroughly examined and duly praised they were returned by Mrs. Smith to their keeping place. After Catherine Green had left the diamonds were missing, and her arrest was, therefore, mide. She was remanded to the custody of Officer McGowan, of the Nineteenth precinct, who arrested her.

## POLICE COURT NOTES.

Daniel Holland, a hackman, was yesterday arraigned before Judge Duffy, at the Tombs Police Court, on complaint of Officer Slattery, of the Twenty seventh precinct, who charged that the prisoner assaulted him at No. 10 Washington street, on Tuesday evening, struck him in the face and knocked out one of his teeth. Holland, it appeared, had a grudge against the officer for being, as he believed, instrumental in having his brother sent to Sing Sing for felonious assault. The prisoner was fined \$10 and held in \$1,000 to keep the peace for six months.

Officer Reilly, of the Eleventh precinct, arrested a woman named Barbara Warner, of No. 634 East Thirteenth street, yesterday morning on a charge of selling

teenth street, yesterday morning on a charge of selling lottery policies. She was brought before Judge Kasmire, at the Essex Market Police Gourt, and held in \$1,000 bail to answer.

Charles Gale, of No. 299 Hudson street, was arraigned before Judge Bixty, at the Washington Place Police Court, on a charge of stealing two sets of harness, valued at \$75, from Samuel Walsh, of No. 257 West Houston street, on the 28th of September. He was committed in \$1,000 bail to answer at General Sessions.

On Monday afternoon the apartments of William Smith, at No. 17 Thompson street, were entered and clothing valued at \$45 00 was carried away. A man named John Ramsey, who was seen to go into the room about the time of the theft, was arrested by an officer of the Eighth precinct yesterday, and he was committed by Judge Bixby in \$1,000 bail to answer.

COURT CALENDARS-THIS DAY SUPREME COURT-CHAMBERS-Hald by Judge Law SUPERIOR COURT—SPECIAL TERMS 29, 30, 33, 34, 35, 25, 27, SUPERIOR COURT—SPECIAL TERMS 29, 30, 31, 33, 34, 35, 36, 37.

Freedman and Speir.—Nos. 14, 21, 29, 30, 31, 33, 34, 35, 35, 37.

SUPERIOR COURT.—SPECIAL TERM.—Held by Judge Curtis.—Demuirer.—No. 2. Law and Fact.—Nos. 15, 12, 23, 30, 21, 34, 40, 51, 12, 9, 25, 41.

SUPERIOR COURT.—CHIAL TERM.—Part.1.—Held by Judge Monell.—Nos. 401, 715, 711, 1235, 631, 635, 635, 851, 675, 856, 831, 833, 835, 837, 830. Part.2.—Held by Judge Socigavick.—Nos. 588, 1506, 600 ½, 62, 804, 1309, 832, 846, 808, 902, 904, 906, 916, 918, 920, 922, 924, 926, 928, 830, 932, 936, 938, 940.

COMMON PLEAS.—FIRAL TERM.—Part.1.—Held by Judge Daly.—Nos. 1093, 2372, 1354, 2201, 730, 1589, 1087, 2035, 1304, 2562, 2635, 119, 2443, 2542, 2451, 2544, 2578, 1204, 2516.

Part. 2.—Held by Judge Daly.—Nos. 1573, 1674, 1492, 487, 2105, 2415, 1172, 1080, 1498, 623, 1572, 1436, 1458, 1516, 1442, 2124, 1698, 2750, 2728, 1569, COMMON PLEAS.—EQUITY TERM.—Held by Judge Larremorc.—Nos. 60, 68, 73, 69, 11, 12, 10, 10, 21, 33, 48, 62, 66, 5, 57.

MARINE COURT.—TRIAL TERM.—Part.1.—Held by Judge Alker.—Nos. 3969, 3166, 3616, 5048, 3358, 3361, 3364, 2678, 2690, 2671, 3673, 2077, 2377, 2373, 2774, 2774, 2777, 277

02, 66, 5, 5f.

MAMINE COURT—TRIAL TERM—Part 1—Held by Judge Alker.—Nos. 3269, 3166, 3616, 5048, 3358, 3361, 3394, 3367, 3269, 3371, 3373, 3374, 3377, 3378, 3379. Part 2—Held by Judge Joachimsen.—Adjourned until Friday. Part 3—Held by Judge Spaulding.—Nos. 5160, 5161, 4865, 5266, 4326, 4746, 4576, 5269, 5213, 4427, 4728, 5069, 5175, 5204, 5253.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland.—The People vs. Eliza Attenhaln, manshaughter; Same vs. Julius Von Meyer and Throphil Weber, manslaughter; Same vs. William Johnson, burglary; Same vs. Michael Snith, burglary; Same vs. Ernest Rasmisan, grand larceny; Same vs. Dick Menzir and William Bowd, grand larceny; Same vs. Dick Menzir and William Bowd, grand larceny; Same vs. Thomas Fallen, grand larceny; Same vs. Hugh Park, grand larceny; Same vs. Thomas Fallen, grand larceny; Same vs. Hugh Park, grand larceny; Same vs. Wilkins, forgery; Same vs. John W. Robinson, extortion; Same vs. Jermiah Lynch, larceny from the person; Same vs. Jermiah Lynch, larceny from the person; Same vs. Matthew Durrington, larceny from the person; Same vs. Thomas Morgan, larceny from the person; Same vs. Jermiah Lynch, larceny from the person; Same vs. James Farrell and Frank Farrell, gambling; Same vs. James Fowers, assault and battery.

Court of Over And Terminer.—Held by Judge Barrett.—The People vs. Thomas Sorrell, murder.

UNITED STATES SUPREME COURT.

Washington, Oct. 13, 1875. No. 10. Edward Matthews, plaintiff in error, vs. Nelson McStea. -The argument in this case was continued by Mr. J. H. Ashton, of counsel for the defendant in error, and concluded by Mr. W. M. Evarts, for the plaintiff in error.

No. 482 C. W. Hopton, assignes, &c., plaintiff in

No. 482 C. W. Hopton, assignee, &c., plaintiff in error, vs. J. D. Tribdoock.—This case was submitted on printed argument by C. C. Nourse, of counsel for plaintiff in error, and by George G. Wright, for defendant in error, under the twentieth rule. No. 11. Ophelia G. Burbank, widow, &c., appellant, vs. & B. Bigolow.—Passed.
No. 12. G. D. Snow, &c., plaintiff in error, vs. George W. Chapman, executor.—Passed.
No. 13. Peyton Grimes, appellant, vs. George S. Reppler, et al.—Passed.
No. 14. Charles Weile, appellant, vs. the United States.—Olisinised under the sixteenth rule.
No. 17. The Chesapeake and Ohio Railroad Company, plaintiff in error, vs. Samuel Hearly, &c., et al.—Continued.

Continued.

No. 18. Elizabeth A. Lake, appellant, vs. Fred. Fitz-geraid.—Dismissed, with costs, per stipulation.

No. 22. Charles A. Nichols, assignee, appellant, vs. Amass M. Eaton et al.—The argument of this cause was commenced by Horatio Rogers, of counsel for the appellant, and continued by Abraham Payne for appellees. Adjourned until to-morrow at twelve o'clock.

"BEATING" THE BELL PUNCH.

Lewis H. Merry, alias Harding; Robert W. Byron and Richard H. Bonnett, the three car conductors who were arrested last week, on information furnished by Detective John F. Courtney and William H. Newell-in spector of the Broadway and Seventh Avenue Railroad, were brought up before Judge Wandell yeswere brought up before Judge Wandell yesterday for examination. The accusation against the prisoners was that they had defrauded the company by using a duplicate bell similar to that connected with the "bell punch" furnished by the company.

Richard H. Bonnett, one of the conductors arrested, testified yesternay that he bought one of the belis in question from Robert W. Byron in the latter part of August last, and Henry Chapman, another conductor, not arrested, testified that Byron offered him a similar bell for sale, but he refused to buy it.

Judge Wandell concluded to hold the three men—Byron, Bonnett and Merry—in \$1,000 bail each to answer on a charge of conspiracy to defraud the Broadway and Seventh Avenue Railroad Company.

## AN IMMATURE CITIZEN.

Yesterday afternoon Robert Davis, of No. 8 Sixth avenue, was brought before Judge Bixby, at the Wash ington Place Police Court, on a charge of attempted illegal registration. The complainant was George Hepburn, Inspector in the Twenty-eighth Election district of the Fifth Assembly district. When asked by Judge Bixby on what he based the charge, Hepburn answered that Davis had not yet declared his intentions, though the prisoner produ-certificate from the Superior Court of his having legally inturalized. Judge Bixby remanded the till to-day for examination.

## A "BARON AND COMMISSIONER."

A Philadelphia sharper, named Henry Belteser, alias Ludwig Bernardi, was arrested in the Atlantic Garden, on the Bowery, yesterday, on a charge of swindling He hired spartments at the corner of Hudson and First streets, Hoboken, recently, stating that he was a German Baron and Government Commissioner to the Centennial Exposition. He wormed into the confidence of a fellow countryman named Meyer, whom he decoyed to a low house in New York, and induced to deposit in his hands \$150 for safe keeping. The next night the "Baron" cajoled his dupe similarly, obtaining his gold watch, chain and jewelry. Belteser then slipped from his company and escaped through a rear door. He also induced the proprieter of the house in Hobokea to place five gold rings in his hands. These he disposed of, not paying a penny to their owner. It is said, further, that he victimized the keepers of lazer beer salcons and robbed people in Philadelphia. A detective from the latter city was on here yesterialy looking for the "Commissioner" at the same time that a Hoboken constable armed with a warrant was ascertaining his whereabouts. The accused was taken to the Quaker City, where he will be tried for his alleged offences in that quarter. man Baron and Government Commissioner to the Cen-

## NEW YORK NAUTICAL SCHOOL

The annual examination by the Council of the Nautical School for the Port of New York, appointed by the Chamber of Commerce, will take place on board the schoolship St. Marys, at the foot of Twenty-third street, East River, on Friday next, October 15, at ten o'clock A. M.

## THE JERSEY CITY FRAUDS.

The lesson of the indictment and conviction of the Police Commissioners of Jersey City a few years ago for malfeasance in office seems to have been lost. A transaction similar to that for which the indictments transaction similar to that for which the indictments were found has just come to light. A Heralle reporter received yesterday a list of the police force in the Fourth precinct, showing the amounts for which the men had been assessed for political purposes in order to sustain the present Ring in power. The Captain paid \$15, six sergeants and roundsmen paid \$11 each; thirty-three patrolmen, \$10 each; one chanceman, \$9, making a total of \$420 from one of the five precincts. Three of the men—Officers Duncan, Hull and Kennedy—refused to contribute and have been threatened with dismissal. Charges have already been preferred against Officer Kennedy.

#### CAN WOMEN LEGALLY HOLD OF-FICE ?

The recent opinion of Attorney General Vanatta, of New Jersey, that Mrs. Jones, keeper of the Hudson County Jail at Jersey City, is incompetent to hold that County Jail at Jersey City, is incompetent to hold that office legally, has given rise to considerable discussion. Mrs. Jones has just received a letter from the Women Suffrage Society of New York criticising this opinion and setting forth that this case furnishes an additional reason why women should be entitled to vote in order to secure the repeal of such unjust laws. It is urged that women should be as eligible to keep as to tenant jails, and it is proposed to submit to the Attorney General the question whether, if women be eligible to jail as convicts but not as wardens, this exclusion exempts a defacto warden of the female sex from indictment and trial on the charge of malfeasance and official misdemeanor.

## THE LOST FOUND.

Charles Osborne, soldier, whose mysterious disappearance from Whitestone, L. I., was reported some time since, has at last been found. He has re-enlisted, and is now at the Arsenal, in Watertown, Mass. Julius Beckman, the saloon keeper, at whose place he was last seen in Whitestone, has been searching for him, with the above result. Mr. Beckman has not only secured the amount signed over to him on the missing man's discharge papers, but has also succeeded in clearing himself of the suspicion of having dealt foully with Osborna. THE CANAL BOARD.

THE CASE OF THE DEPUTY ENGINEERS VATES AND BARCOCK-A LIVELY DISCUSSION AS TO THE JURISDICTION OF THE BOARD—THE LIEUTENANT GOVERNOR MOVES THE DISMISSAL THE ENGINEERS-MOTION LOST-YATES AND BARCOCK TO BE TRIED BY THE BOARD

ALBANY, N. Y., Oct. 13, 1875. The Canal Board met to-day at half-past ten A. M. Treasurer Raines offered the following preamble and

Presolutions:—

Whereas the constitution of the State provides that (article 5, section 6) the powers and duties of the respective boards, section 6) the powers and duties of the respective boards of section 6) the powers and duties of the respective boards of the control of

Attorney General Pratt said that would make short work of it.

Lieutenant Governor Dorshelmer said it would if they agreed to the resolution, but it would not be done with his vote. He inquired of the Attorney General what Attorney General Pratt said he had not examined the

question carefully and declined to give a ruling. The proceedings thus far were not altogether regu-The Chairman put a motion to lay the resolution on

The Chairman put a motion to lay the resolution on the table and declared it carried.

He then inquired whether the engineers wished to be tried separately or together.

Mr. Yates said he would prefer a separate trial forform's sake, although the testimony taken referred to himself and Mr. Babcock.

Mr. Yates said he would prefer a separate trial for form's sake, although the testimony taken referred to himself and Mr. Babacock.

Treasurer Raines said before any proceedings were taken there was an important question to be decided—whether they had any jurisdiction of the matter. They had been told by the Attorney General that things were not exactly regular so far as they had gone, and yet they proposed now to investigate charges that, if he understood the law, were not properly made, and, if he was right, it belonged to the Board of Canal Commissioners and the State Engineer. Another important question to be considered was whether that Board was responsible for the acts of the engineers for the past two years, and he moved to take the resolution from the table. Carried.

Canal Commissioner Stroud would like to have the opinion of the Attorney General on that subject.

Attorney General Pratt said he was not prepared to give an opinion on the matter, but if it was referred to him he should be happy to examine the law and report upon it. They were at a stage when it was necessary to act up to the strict construction of the law, and he was not prepared to give an opinion as to the construction of the statute before examining it. His deputy had examined into the statute.

Treasurer Raines—Another matter. We are proceeding to the trial of these engineers without either the State Engineer or the Commissioner's of the Eastern division being present. I do not know for what cause.

The Chairman—It was tated here this morning that the sickness of the Commissioner's wife, which threatens her death at any moment, renders his absence compulsory. But why Mr. Sweet was absent I do not know. The Treasurer kaines—I merely raise the question of propriety. I move to refer the resolution to the Attorney General for him to report at three o'clock. Carried.

The Chairman remarked that he voted to refer the question of the ground that if there is any question of

The Chairman remarked that he voted to refer the The Chairman remarked that he voted to refer the question on the ground that if there is any question of law involved it should be examined by the Attorney General and have his report.

Treasurer Raines then moved that the Board take a recess until three o'clock. Carried.

The Board reassembled at half-past three P. M. Attorney General Pratt reported a question of jurisdiction ranged by Treasurer Raines. The Attorney General gave it as his opinion that the Board had jurisdiction.

General gave it as his opinion that the Board had jurisdiction.

Treasurer Raines protested against the continuation of the proceeding in the manner in which it had been commenced and argued at length, citing several laws on the subject against the power of the Board to proceed until the State Engineer and Commissioner in charge took action and formally reported charges. He declared he would not sit in the Board and take part in proceedings which to his mind were clearly in volation of the statute. He asked why it was that these charges were made by outside parties (referring to the Investigating Commission) without the State Engineer and Commissioner saying a word as to their truth or faisity.

Lieutenant Governor Dorsheimer suggested that a simple removal of these suspended officials might be all that was necessary for the Board to The People were prosecuting them. They were involved in disgraceful complications, and it was the daty of the Board to remove them the same as if they were guilty of a disgraceful social offence, the same as a drunkenness. These officers, he said, may be innocent. That was for the Courts to say. But so far as the Board was concerned was it not its duty to dismiss them? He moved that John B. Yates and Stephan R. Babcock be removed. This motion gave rise to debate between the Treasurer and the Lieutenant Governor, in Babcock be removed. This motion gave rise to debate between the Treasurer and the Lieutenant Governor, in which the above points were reiterated and strength-ened on both sides Treasurer Raines moved a substitute as follows:—

Treasurer Raines moved a substitute as follows:—
Resolved—That the State Engineer and Commissioner in charge are hereby requested to report to this Board with reference to the truth or faisity of these charges, and in the meantime they remain suspended.

This was lost by a vote of one to six.
The Attorney General said when this matter was first brought up he supposed there was to be an investigation. As to the complaint against these officers, he desired to say it was served and issued without any consultation with him at all. He did not and could not take statements of the Investigating Commission without examination. He called attention to the sixth report issued by that Commission, in which the position is taken that all work on the Champlain Canal required new surveys, maps, &c. "Now," said he, "there is no law for this at all." There was no statute requiring new surveys to be made, as the Commission claims. As to the charges against these engineers he thought it no more than fair that they should be given a hearing. He therefore moved an amendment to the Lieutenant Governor's resolution that the trial be suspended till the case brought before the Courts involving them is decided, and in the meantime they remain suspended.

Treasurer Raines was opposed to this. It would be construed as evacing the question, dodging the issue of trying the charges brought against these engineers.

Judge Yates, counsel for his brother, then addressed the Board at some length with much feeling, and denounced in severe terms the proposition to dismiss these men without a hearing.

Lieutenant Governor Dorsheimer replied, insisting that it was not his intention to condomn these men by removing them. He thought they had become so involved, guilty or innocent, as to make it necessary for the Board to remove them. This the Board has power to do, and it has been its practice heretofore, even in matters of politics. What he wanted to do was simply to get rid of men who became tainted. He hoped they would be able to establish their inn

ould be established in the Court where their cases were.

Mr. Hamilton Harris, counsel for the engineers, said that the trial referred to did not involve these gentlemen. There were no charges made against them. They were against other parties. The point was that this Board had invited these men to come bere and defend themselves against charges made against them by third parties, and to adopt this resolution would be simply a condemnation of them without the hearing tendered them. He was satisfied that they could prove their innocence if accorded this hearing, and he hoped, in fairness, it would be given them.

Lieutenant Governor Dorsheimer—Well, I will withdraw my resolution.

Attorney General Pratt—So will I, then.

Considerable conversation was then had as to when and how the investigation should proceed, when it was finally determined to have witnesses examined instead of reading their testimony as given before the investigating committee, and that the investigating should commence on Monday next at three P. M.

Lieutenant Governor Dorsheimer reported in favor of suspending the work in Black Rock Harbor, which was agreed to.

Board then adjourned to Monday next at three SINGULAR DEATH AT WHITE PLAINS.

# The sudden death (under peculiar circumstances) of

Francis H. Powell, railroad station agent at White Plains, Westchester county, was the all-absorbing topic of conversation among the residents of that place yesof conversation among the residents of that place yesterday. Deceased, who was about twenty-five years
old, and of scrupulously steady habite, retired in apparently good health on Monday night, and
next morning when called to breakfast was
found to be unconscious Medical aid was
speedlly summoned, but he never railred and died
shortly after ten A. M. An autopsy was subsequently
made by three physicians, who, after a thorough examination of the cerebrum, announced that death had been
caused by congestion of the brain, superinduced by
extreme nervous excitement. This latter can only be
accounted for by the circumstance that deceased was to
have been married at three o'clock in the afternoon of
the day on which he died.

## A SINGULAR SCHOOL TRUSTEE.

At the annual school election in Mount Kisco, Westchester county, on Tuesday evening, the public school at that place was organized into a Union Free School. A republican board of education, consisting of five members, was elected, one of its members being a colored man named Bristow O. Francis, who, it is asserted, can neither read nor write, and who has just been discharged from the county juli, where he served a term for assault and battery.

## THE POLICE COMMISSIONERS.

Counsel of Messrs. Matsell and Disbecker Before the Mayor.

Postponement of a Hearing Until Friday Next.

#### MORE CHARGES PREFERRED.

Mayor Wickham in his communications sent to the Police Commissioners asking for their resignation, gave them until yesterday to reply. The letters Commissioners Smith and Voorhis tendering their resignations were transmitted to the Mayor and published In Tuesday's Herald. A few minutes after eleven o'clock yesterday Mr. John H. Sirahan entered the Mayor's office and announced himself as the legal representative of Police Commissioner Disbecker. requested an adjournment of the case of his client until Friday, the 15th inst., at two o'clock in the afternoon. Later in the day this request was put in writing and ac

ceded to by the Mayor.

At twelve o'clock Commissioner Matsell appeared with his counsel, Mr. E. T. Gerry. The latter gentle-man announced to Mayor Wickham his professional relationship with Mr. Matsell. A short conversation then ensued as to the method of procedure, when the following written proposition was submitted:-

The Proposition was submitted:

The Proposition was submitted:

To Hon. William H. Wickiam, Mayor, &c.:

Understanding that the appointment for the appearance of Mr. Commissioner bisbecker has been changed to the 15th inst, at two o'clock P. M., I think it would economize the time of Your Honor to make a similar postponement in my case, and respectfully ask that such change may be made. Very respectfully.

GEORGE W. MATSELL,

Police Commissioner and President of the Board.

New York, Oct. 13, 1875.

The following answer was then drawn up by the Mayor:-

Mayor:—

EXECUTIVE DEPARTMENT,

CITY HALL, New YORK, Oct. 13, 1875.

Hon. Groege W. Marsell, Police Commissioner, &c.:—

Siz.—I have received your communication of this
date requesting an adjournment to the 15th inst., at
two o'clock P. M., of the hearing heretofore set
down for to-day, at twelve o'clock M. In compliance
with your request the adjournment is made to the
date and hour indicated, but you are now notified
that I shall expect the hearing to proceed
at the time indicated, and to be then concluded without further adjournment, and as the hour solicited by
you is in the afternoon I hereby request that such
statement or discussion as you may then in person or
by counsel desire to make be made in writing.

Very respectfully,

WILLIAM H. WICKHAM, Mayor.

PURTHER CHARGES AGAINST THE COMMISSIONERS. The drawing up and service of the above document concluded all formalities yesterday relative to the Police Commissioners continuing, so far as the Mayor

During the day other charges were submitted against the Commissioners, of which the following are copies:-

the Commissioners, of which the following are copies:—

THE BALOON KERFERS' COMPLAINT.

TO HON. WILLIAM H. WICKHAR, Mayor, &c.:—

The undersigned committee, on behalf of the New York Saloon Keepers' Union, respectfully submit to Your Honor the grievances and wrongs committed against them by the Police Department of this city in arresting a number of their members for alleged charges in selling wines, ale and beer without license, who had already applied for their licenses and paid the amount required by law to the Excise Board and had receipts in their possession for the same. Said receipts were not recognized by the police authorities, and the said saloon keepers, old and respectable citizens, were dragged to the different police stations and there confined with common felous. When brough before the police magistrates on the morning following they were at once discharged and the police reprimanded. We, therefore, respectfully pray that Your Honor, as the Chief Magistrate of the Empire City, will kindly assist us in having these wrongs redressed and our rights upheld as citizens of the State of New York.

GEORGE W. SAUER.

CHARLES BROSSING.

PHILIP HUPMEYEL.

ALBERT GALBERNAN.

JOHN MESSINGER.

NEW YORE, Oct. 11, 1875.

Liquor Dealers on the Waepath.

LIQUOR DEALERS ON THE WARPATH.

The liquor dealers have also a complaint to lodge against the Commissioners, as will be seen from the

following letter:— New York, Oct. 13, 1875.
HOR WILLIAM H. WICKHAM, Mayor of the City of New HON WILLIAM H. WICHMAM, Mayor of the City of New York:—
The underlayned, a citizen of the United States, residing in the of New York and carrying on business in said city, does herewith prefer charges against the Police Commissioners of New York, viz.—That on the 1st day of October, 1875, by order of the said Police Commissioners of the City of New York, numerous citizens were arbitrarily and with force arrested and deprived of their legal rights as citizens of the United States, and said citizens were brought before a committing magistrate at the Tombs, and said acts were all committed without due process of law, and said citizens were arrested for violating the Excise law when in fact each of them had paid his excise fee to the Board of Excise Commissioners of the city of New York, and conformed to the law as prescribed by said Excise Comsioners; all of which the Police Commissioners and conformed to the law as prescribed by said Excise Comsioners; all of which the Police Commissioners and
the various captains who caused the arrest of said
citizens knew, and had received information as to
the issuing of such receipts by said Board of Excise Commissioners. The undersigned further alleges that the Board of Police Commissioners
of the City of New York caused the arrest of said citizens through the captains of the various precents, and
said outrages were committed maliciously for the purpose of harassing, tormenting and endeavoring to injure respectable and quiet citizens in their legitimate
business; and the undersigned further alleges that all
of said outrages and unlawful acts were renewed on the
part of the Police Commissioners, through the captains
of the various precincts, after having been warned and
informed by Police Justices Duffy and Otterbourg, at
the Tembs, that a citizen pould not be arrested who
was in possession of a receipt from the Board of Excise
Commissioners of the city of New York, and after receiving said warning and instructions from the police
textise the Bolice Commissioners of the city of New York, and

Commissioners of the city of New York, and after receiving said warning and instructions from the police justices the Police Commissioners of the city of New York persisted in proceeding to arrest citizens and to violate the law and the rights of citizens. I therefore hope that Your Honor will investigate these charges and grant me an early hearing. Yours respectfully, In behalf of the New York Liquor Dealers' Protective Duion.

## OFFICIAL TILTING.

COMPTROLLER GREEN ASES A NUMBER OF ECONOMIC CONUNDRUMS-MAYOR WICEHAM ALSO AS A QUESTIONER.

Comptroller Green wrote to Mayor Wickham yesterday, calling his attention to the purpose of the Department of Public Parks to commence work on Riverside Park "against the voice and vote of its respected President." He traces the motives of the Board to a combination between real estate speculators and politicians, charging that it is sought to employ more men as the election approaches. The same influences, he says, are at work

employ more men as the election approaches. The same influences, he says, are at work to persuade the city to buy a 100 acre parade ground, while there is not sufficient school room for the children of the city, and the taxpayers opposing a further outlay for the crection of buildings to accommodate them. He asks, "Should we spend our money and mortgage our property for more finery and millinery work when the mass of our industrial population can scarcely get money to pay their taxes or bread to feed their families?" Suggesting a continuance of only such city improvements as are actually needed for the consorted by the considerations of the public interests, he concludes with an earnest protest against it.

The Mayor, on receipt of this communication, wrote to President Stebbins, of the Department of Parks, inquiring about the matter, and a reply came informing him that the Board agreed on the 23d of September to continue some unfinished works. In furtherance of the ultimate design of Riveraide Park it was determined to employ fifty or sixty men for five or six weeks to strip the upper soil from the proposed roads and drives. No further work was meditated, and this will be discontinued when the frost comes. This information Mayor Wickham in return sent to the Comproller, commenting, in the beginning of his letter, upon the strange fact that Mr. Green's letter, fresh from the copying press, should bear a date four days carrier than its receipt. He is informed, he adds, by a Commissioner of Parks, that, the amount authorized to be expended on this pack does not exceed \$15,000. Referring to another subject, Mayor Wickham concludes his letter with a request that Compreciler Green shall furnish him proofs of accusations made against the Commissioner over Mr. Green's signature.

NEW PUBLIC ADMINISTRATOR.

## NEW PUBLIC ADMINISTRATOR.

Mr. Algernon S. Sullivan, has been appointed Public Administrator in place of Mr. Isaac Dayton. He was yesterday sworn into office before Judge Brady, of the

## A WINDFALL

Mr. Henry Brost, once an attorney's clerk at Geneva, Switzerland, and subsequently a captain in the Confederate army, has, according to a lotter received by Mr. F. Dimier, of No. 652 Broadway, inherited about \$150,000. The gentleman has not, however, heen heard of since the conclusion of the war.